

中华人民共和国国家知识产权局

邮政编码: 100101

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北京市柳沈律师事务所

王志森

红毕
9336
审查员

申请号: 00802090.6

部门及通知书类型: 9-C

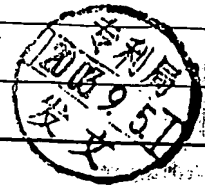
发文日期:

申请人:

松下电器产业株式会社

发明名称:

便携式电话机



第一次审查意见通知书

(进入国家阶段的 PCT 申请)

1. ☒ 依申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
2. ☒ 申请人要求以在:

日本 专利局的申请日 1999 年 9 月 28 日 为优先权日,
 专利局的申请日 为优先权日,
 专利局的申请日 为优先权日,

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Technology Center 2600

3. ☐ 申请人于 年 月 日提交的修改文件, 不符合专利法实施细则第 51 条的规定。

☐ 申请人提交的下列修改文件不符合专利法第 33 条的规定, 因而不能接受:

- ☐ 国际初步审查报告附件的中文译文。
☐ 依据专利合作条约第 19 条规定所提交的修改文件的中文译文。
☐ 依据专利合作条约第 28 条或 41 条规定所提交的修改文件。
☐

修改不能被接受的具体理由见通知书正文部分。

4. ☐ 审查是针对原始提交的国际申请的中文译文进行的。

☒ 审查是针对下述申请文件进行的:

说明书 第 1, 2, 4-6 页, 按照原始提交的国际申请文件的中文译文;
 第 页, 按照国际初步审查报告附件的中文译文;
 第 3 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;
 第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

权利要求 第 1-8 项, 按照原始提交的国际申请文件的中文译文;
 第 项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文译文。
 第 项, 按照国际初步审查报告附件的中文译文;
 第 项, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;
 第 项, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

附图 第 1-3 页, 按照原始提出的国际申请文件的中文译文;
 第 页, 按照国际初步审查报告附件的中文译文;
 第 页, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;
 第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。





中华人民共和国国家知识产权局

5. ☒ 本通知书引用下述对比文献 (其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	CN 1200609 A	1998.12.2
2	JP 10-65853 A	1998.3.6
3	JP 9-247293 A	1997.9.19
4	JP 11-88526 A	1999.3.30
5	JP 11-249867 A	1999.9.17
6	JP 6-225296 A	1994.8.12

6. 审查的结论性意见:

☒ 关于说明书:

- ☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。
☐ 说明书不符合专利法第 26 条第 3 款的规定。
☒ 说明书的撰写不符合专利法实施细则第 18 条的规定。

☒ 关于权利要求书:

- ☐ 权利要求 不具备专利法第 22 条第 2 款规定的新颖性。
☒ 权利要求 1-5, 7 不具备专利法第 22 条第 3 款规定的创造性。
☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。
☐ 权利要求 不符合专利法第 26 条第 4 款的规定。
☐ 权利要求 不符合专利法第 31 条第 1 款的规定。
☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义的规定。
☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。
☐ 权利要求 不符合专利法实施细则第 20 条至第 23 条的规定。
☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。
☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的 肆 个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交给中国专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
(4) 未经预约, 申请人和/或代理人不得前来中国专利局与审查员举行会晤。

9. 本通知书正文部分共有 3 页, 并附有下列附件:

☒ 引用的对比文件的复印件共 6 份 25 页。





The Patent Office of the People's Republic of China

Address: No.6 XITUCHENG ROAD, JIMEN BRIDGE, HAIDIAN DISTRICT, BEIJING

Post code: 100088

LIU, SHEN & ASSOCIATES
A0601, HUIBIN BUILDING, NO.8, BEICHEN
DONG STREET, CHAO YANG DISTRICT
BEIJING 100101, CHINA

ISSUING DATE:

2003. 9. 5.

Application NO.: 00802090.6	Applicant: MATSUSHITA ELECTRIC INDUSTRIAL CO. LTD.
Application Date: 2000. 9. 13	Agent: Zhi sen wang
Title: PORTABLE TELEPHONE DEVICE	

THE FIRST OFFICE ACTION

(PCT application for entry into the national phase)

1. ☒ The applicant filed a request for substantive examination on Year ___ Month ___ Day ___. According to Article 35 paragraph 1 of the Patent Law, the examiner has conducted a substantive examination to the above-mentioned patent application.

☐ According to Article 35 paragraph 2 of the Patent Law, Chinese Patent Office decided, on its own initiative, to conduct a substantive examination to the above-mentioned patent application.

2. ☒ The applicant requested to take

Year 99 Month 9 Day 28, on which an application is filed with the JP patent office, as the priority date,

Year ___ Month ___ Day ___, on which an application is filed with the ___ patent office, as the priority date,

Year ___ Month ___ Day ___, on which an application is filed with the ___ patent office, as the priority date.

3. ☐ The amended document(s) submitted by the applicant is/are not accepted because the said amendment(s) is/are not in conformity with the provision of Article 33 of the Chinese Patent Law.

☐ The Chinese translation of the annexes of the International Preliminary Examination Report.

☐ The Chinese translation of the amendments submitted under Article 19 of PCT.

☐ The amendment(s) submitted under Article 28 or Article 41 of PCT.

☐ The amendment(s) submitted under Rule 51 of The Implementing Regulations of the Patent Law

The concrete reason(s) for not accepting the amendment(S) is/are presented on the text of this Office Action.

4. ☐ The examination has been conducted on the initially filed Chinese translation of the text of the application.

☒ The examination has been conducted on the following text(s):

☒ Specification, page(s) 1-2, 4-6, as originally filed

page(s) ___, as the annexes of the International Preliminary Examination Report

page(s) 3, as the amendment(s) submitted under Article 28 or 41 of PCT

page(s) ___, as the amendment(s) submitted under Rule 51 of The Implementing

Regulations of the Patent Law

☒ Claim, 1-8, as originally filed

___, as the Chinese translation of the amendment(s) submitted under Article 19 of PCT

___, as the annexes of the International Preliminary Examination Report

___, as the amendment(s) under Article 28 or 41 of PCT

___, as the amendment(s) under Rule 51 of The Implementing Regulations of the Patent

Law

☒ Figure, 1-3, as originally filed

___, as the annexes of the International Preliminary Examination Report

_____ as the amendment(s) under Article 28 or 41 of PCT

_____ as the amendments under Rule 51 of The Implementing Regulations of the Patent Law

5. ☒ The following reference document(s) is/are cited by this notification: (the reference numeral(s) thereof will be used in the examination procedure hereafter)

NO.	Reference No. and Title	Publishing Date (or the filing date of rivals)
1	CN 1200609A	Year 98 month 12
2	JP 10-65853A	Year 98 month 3
3	JP 9-247293A	Year 97 month 9
4	JP 11-88526A	Year 99 month 3

6. Concluding comments

☒ on the specification:

☒ The specification is not in conformity with the provision of Rule 18 of the Implementing Regulations of the Patent Law.

☐ The figures is not in conformity with the provision of Rule 19 paragraph 3 of the Implementing Regulations of the Patent Law.

☐ The specification is not in conformity with the provision of Article 26 paragraph 3 of the Patent Law.

☐ The contents of the application are in contrary to Article 5 of the Patent Law and therefore are not patentable

☒ on the claims:

☐ Claim(s) _____ belong(s) to non-patentable subject matter as prescribed in Article 25 of the Patent Law

☐ Claim(s) _____ do(es) not possess novelty as requested by Article 22 paragraph 2 of the Patent Law.

☒ Claim(s) 1-5, 7 do(es) not possess inventiveness as requested by Article 22 paragraph 3 of the Patent Law.

☐ Claim(s) _____ do(es) not possess the practical applicability as requested by Article 22 paragraph 4 of the Patent Law.

☐ Claim(s) _____ do(es) not comply with the provision of Article 26 paragraph 4 of the Patent Law.

☐ Claim(s) _____ do(es) not comply with the provision of Article 31 paragraph 1 of the Patent Law.

☐ Claim(s) _____ do(es) not comply with the provision of Rule 20 to 23 of the Implementing Regulations of the Patent Law.

☐ Claim(s) _____ do(es) not comply with the provision of Article 9 of the Patent Law.

☐ Claim(s) _____ do(es) not comply with the provision of Rule 12 paragraph 1 of the Implementing Regulations of the Patent Law.

The detailed analysis for the above concluding comments is/are presented on the text of this Office Action.

7. Based on the above concluding comments, the examiner is of the opinions that:

☐ The applicant should amend the application document(s) in accordance with the requirement as specified in the Office Action.

☒ The applicant should, in his observation, expound the patentability of the application, amend the defects pointed out in the Office Action; or the application can hardly be approved.

☐ The examiner deems that the application lacks substantive features to make it patentable. Therefore, the application will be rejected if no convincing reasons are provided to prove its patentability.

8. The applicant should pay attention to the following matters:

(1) According to Article 37 of the Patent Law, the applicant is required to submit his observations within four months upon receipt of this Office Action. If the time limit for making response is not met without any justified reason, the application shall be deemed to have been withdrawn.

(2) The amendment(s) made by the applicant must meet the provision of Article 33 of the Patent Law. The amended text should be in duplicate, its format should conform to the related confinement in the Guidance for Examination.

(3) The observation and the amended document(s) must be mailed or delivered to the Receiving Section of the Chinese Patent Office. No legal effect shall apply for any document(s) that not mailed to or reached the Receiving Section.

(4) Without being invited, the applicant and/or the agent should not go to the Chinese Patent Office to interview an examiner.

9. The text of this Office Action contains 3 page(s), and has the following attachment(s):

☒ 6 copies of the cited references, total 25 pages.

Examination Section No. _____

Examiner _____

Seal of Examination Dept. For business

_____ (the specified seal it has no legal effect)

第次审查意见通知书正文

(一)

1. 权利要求 1 请求保护一种便携式电话机, 对比文件 1 中(参见其说明书第 2 页第 21 行至第 3 页第 16 行, 第 5 页第 27 行至第 8 页第 1 行, 附图 1-3)公开了这样一种通信系统, 并具体公开了以下技术特征: 提供信息的服务器, 与服务器传递数据的终端, 连接服务器至终端的通信网络以及一临时线路断开单元, 该临时线路断开单元用于: 在终端与服务器的数据通信期间当终端通过通信网络与服务器之外的第三方建立话音通信时, 在没有给终端和服务器的上层应用的断开通知情况下断开正用于数据通信的线路, 并用于当话音通信终止时自动连接服务器至终端。系统包括因特网和具有部件分别连接至该互联网的一电话网络, 并且在这些部件之间可以建立通信。权利要求 1 与对比文件 1 的区别技术特征在于: 权利要求 1 请求保护一种便携式电话机, 而对比文件 1 所请求保护的通信系统中的终端并未指明是便携式电话机。

上述区别技术特征是本领域技术人员的公知常识, 因为在通信系统中的终端可以是固定电话、便携式电话机、移动计算机等设备。所以, 权利要求 1 所请求保护的技术方案相对于对比文件 1 不具备突出的实质性特点和显著的进步, 不符合专利法第 22 条第 3 款有关创造性的规定。

2. 权利要求 2 引用权利要求 1, 其限定部分的技术特征已在对比文件 2 中(参见其说明书第 (2) 页第 2 栏第 30 行至第 (3) 页第 3 栏第 6 行) 公开, 并具体公开了以下技术特征: 传真机通过一个接入单元连接互联网, 并将从互联网接收的数据转换成传真信号输出到外部部件。上述技术特征在对比文件 2 中所起作用与该技术特征在本发明中所起作用相同, 即将从互联网接收的数据转换成传真信号输出到外部。给出了对比文件 2 和对比文件 1 相结合的技术启示, 这样的结合对本领域技术人员来说是显而易见的。因此, 当权利要求 2 所引用的权利要求 1 相对于对比文件 1 没有创造性时, 权利要求 2 所请求保护的技术方案相对于对比文件 1 和 2 来说不具备突出的实质性特点和显著的进步, 不符合专利法第 22 条第 3 款有关创造性的规定。

3. 权利要求 3 引用权利要求 1, 其限定部分的技术特征已在对比文件 3 中(参见其说明书第 (3) 页第 3 栏第 34 行至第 (4) 页第 5 栏第 27 行) 公开, 并具体公开了以下技术特征: 如果在接收时间被叫用户不在家, 那么一个消息被传送到

主叫方,主叫方接收到消息后操作按钮或者记录一个消息,然后一个信号转换电路转换按钮语音或消息语音为文本数据,同时传送电子邮件到由电子邮件产生电路产生的一个特定电子邮件地址。上述技术特征在对比文件3中所起作用与该技术特征在本发明中所起作用相同,即当用户不能接收³被叫发送的消息时,被叫²发送电子邮件到一个指定的邮件地址。给出了对比文件3和对比文件1相结合的技术启示,这样的结合对本领域技术人员来说是显而易见的。因此,当权利要求3所引用的权利要求1相对于对比文件1没有创造性时,权利要求3所请求保护的技术方案相对于对比文件1和3来说不具备突出的实质性特点和显著的进步,不符合专利法第22条第3款有关创造性的规定。

4. 权利要求4引用权利要求1,其限定部分的技术特征已在对比文件4中(参见其说明书第(2)页第2栏第27行至第(3)页第3栏第17行)公开,并具体公开了以下技术特征:在完成与网络服务接入点的连接后,传输控制器传输电子文档信息,该信息中包含着主叫方的电话号码,该电话号码被存储在存储器中。如果拒绝接收呼叫,则网络服务接入点的电话号码被存储在存储器中。通过互联网进行电子邮件通信。上述技术特征在对比文件4中所起作用与该技术特征在本发明中所起作用相同,即在不回答便携式电话机输入呼叫的情况下,用于通知一个打算不另一次联系回答呼叫的人的邮件地址。给出了对比文件4和对比文件1相结合的技术启示,这样的结合对本领域技术人员来说是显而易见的。因此,当权利要求4所引用的权利要求1相对于对比文件1没有创造性时,权利要求4所请求保护的技术方案相对于对比文件1和4来说不具备突出的实质性特点和显著的进步,不符合专利法第22条第3款有关创造性的规定。

5. 权利要求5引用权利要求1,其限定部分的技术特征已在对比文件5中(参见其说明书第(2)页第2栏第42行至第(3)页第3栏第37行)公开,并具体公开了以下技术特征:语音命令捕获单元从客户机获取语音输入命令,命令发射机传输命令到互联网。上述技术特征在对比文件5中所起作用与该技术特征在本发明中所起作用相同,即用于读出作为语音的互联网信息。给出了对比文件5和对比文件1相结合的技术启示,这样的结合对本领域技术人员来说是显而易见的。因此,当权利要求5所引用的权利要求1相对于对比文件1没有创造性时,权利要求5所请求保护的技术方案相对于对比文件1和5来说不具备突出的实质性特点和显著的进步,不符合专利法第22条第3款有关创造性的规定。

6. 权利要求 7 引用权利要求 1, 其限定部分的技术特征已在对比文件 6 中(参见其说明书第 (2) 页第 2 栏第 27 行至第 43 行) 公开, 并具体公开了以下技术特征: 便携式电话机包括图像数据和语音数据的输入装置, 当再生装置请求时上述数据被再生并通过传输电路被传送到互联网。上述技术特征在对比文件 6 中所起作用与该技术特征在本发明中所起作用相同, 即应外部请求向互联网发送关于便携式电话机的信息。给出了对比文件 6 和对比文件 1 相结合的技术启示, 这样的结合对本领域技术人员来说是显而易见的。因此, 当权利要求 7 所引用的权利要求 1 相对于对比文件 1 没有创造性时, 权利要求 7 所请求保护的技术方案相对于对比文件 1 和 6 来说不具备突出的实质性特点和显著的进步, 不符合专利法第 22 条第 3 款有关创造性的规定。

(二)

专利法实施细则第 18 条第 1 款规定说明书应当包括技术领域、背景技术、发明内容、附图说明及具体实施方式五个组成部分。说明书小标题的名称不符合专利法实施细则第 18 条第 1 款的上述规定。

综上所述, 权利要求 1-5, 7 不符合专利法第 22 条第 3 款有关创造性的规定。本申请按照目前的文本是不能够被授权的。申请人应根据上述审查意见在指定的期限内提交新的权利要求书和/或说明书, 修改时应满足专利法第三十三条的规定, 不得超出原说明书和权利要求书记载的范围, 如果独立权利要求进行了符合专利法及其实施细则规定的修改, 则允许将发明内容部分中与该发明技术方案有关的内容做相应的修改。如果申请人不能在本通知书规定的答复期限内克服上述缺陷或表明其具有符合所述规定的充分理由, 本申请将被驳回。

TEXT OF THE FIRST OFFICE ACTION

After examination, the opinions are provided as follows:

(I)

1. Claim 1 claims to protect a portable telephone. Reference 1 (CN1200609A) (referring to line 21, page 2 to line 16, page 3; line 27, page 5 to line 1, page 8 of the specification of Reference 1 and figures 1 to 3, or referring to Page 4, Lines 12 to 20 of the specification of the cognate application (JP 特開平 10-327258)) has disclosed a “通信システム”, and particularly disclosed the technical features as follows: “本発明のシステムは、情報提供するサーバと、前記サーバとデータ通信を行う端末と、前記サーバと前記端末とを接続する通信網と、前記端末と前記サーバとの間にデータ通信を行っている間に、前記端末が前記サーバ以外の第3者と音声通信を行う場合に、データ通信を行っている回線を前記端末と前記サーバの上位アプリケーションに切断通知を行わず切断し、音声通話が終了したら前記サーバと前記端末とを自動的に接続する一時回線切断手段とを備え、または、本システム全体は、インターネットと、このインターネットにそれぞれの構成要素が接続された電話網とを備えており、または、各構成要素間で相互に通信が可能となっている”. The differences between the technical features of Claim 1 and Reference 1 are that: Claim 1 claims to protect a portable telephone, while the “通信システムにおける端末装置” sought for protection in Reference 1 has not been clearly indicated as a portable telephone.

However, the differences mentioned above are the common knowledge for those skilled in the art since the “通信システムにおける端末装置” can be “固定電話”, “携帯電話”, “移動計算機”, etc. Therefore, the technical solutions sought for protection in Claim 1 does not comply with the provision on inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China since it does not possess any prominent substantive feature and does not represent a notable progress in comparison with Reference 1.

2. The technical features of the characterizing portion of Claim 2 which refers to Claim 1 have been disclosed in Reference 2 (JP 特開平 10-65853A) (referring to Page 2, Column 2, Line 30 to Page 3, Column 3, Line 6 of the specification of Reference 2). In particular, The following technical features have been disclosed: “ファクシミリ装置は一つのアクセス手段によりインターネットに接続するとともに、そのインターネットから受信したデータをファクシミリ信号に変換して外部の手段に出力する”. It shows that the function produced by the technical features mentioned above in Reference 2 are the same as the function produced by the present technical features in the present invention, i.e., converting the received internet information into a facsimile signal and then outputting the signal to an external component, which

inspires that the technical solutions of Claim 2 can be obtained by combining the Reference 1 and Reference 2, and such a combination is obvious for those skilled in the art. Therefore, when Claim 1 which Claim 2 refers to does not possess inventiveness in comparison with Reference 1, the technical solutions sought for protection in Claim 2 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China since it does not possess any prominent substantive feature and does not represent a notable progress in comparison with Reference 1 and Reference 2.

3. The technical features of the characterizing portion of Claim 3 which refers to Claim 1 have been disclosed in Reference 3 (JP 特開平 9-247293A) (referring to Page 3, Column 3, Line 34 to Page 4, Column 5, Line 27 of the specification of Reference 3). In particular, the following technical features have been disclosed: “受信時間の間に、被呼者が不在であれば、発呼者に一つの情報を伝送し、発呼者がこの情報を受信してから、ボタンを押しあるいは一つの情報を記録し、そして、信号変換回路により、ボタン音声あるいは情報音声を文書データに変換し、それと同時に、電子メールを電子メール作成回路により作成した特定の電子メールアドレスに伝送する”. It shows that the function produced by the technical features mentioned above in Reference 3 are the same as the function produced by the present technical features in the present invention, i.e., “利用者は被呼者から伝送した情報を受信することができないとき、被呼者が電子メールを一つの指定された電子メールアドレスに伝送する”, which inspires that the technical solutions of Claim 3 can be obtained by combining Reference 3 and Reference 1, and such a combination is obvious for those skilled in the art. Therefore, when Claim 1 which Claim 3 refers to does not possess inventiveness in comparison with Reference 1, the technical solutions sought for protection in Claim 3 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China since it does not possess any prominent substantive feature and does not represent a notable progress in comparison with Reference 1 and Reference 3.

4. The technical features of the characterizing portion of Claim 4 which refers to Claim 1 have been disclosed in Reference 4 (JP 特開平 11-88526A) (referring to Page 2, Column 2, Line 27 to Page 3, Column 3, Line 17 of the specification of present Reference 4). In particular, the following technical features have been disclosed: “ネットワークサービスアクセスポイントとの接続完了後に、送信制御手段は電子文書情報を送信し、前記情報には発信者の電話番号が含まれており、その電話番号が記憶領域に記憶される。着信が拒否されれば、ネットワークサービスアクセスポイントの電話番号が記憶領域に記憶される。インターネットで電子メールによる通信を行う”. It shows that the function produced by the technical features mentioned above in Reference 4 are the same as the function produced by the present technical features in the present invention, i.e., notifying the mail address of a

person that has attempted the unanswered call of another contact used in case the incoming call to the portable telephone set is not answered, which inspires that the technical solutions of Claim 4 can be obtained by combining Reference 4 and Reference 1, and such a combination is obvious for those skilled in the art. Therefore, when Claim 1 which Claim 4 refers to does not possess inventiveness in comparison with Reference 1, the technical solutions sought for protection in Claim 4 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China since it does not possess any prominent substantive feature and does not represent a notable progress in comparison with References 1 and Reference 4.

5. The technical features of the characterizing portion of Claim 5 which refers to Claim 1 have been disclosed in Reference 5 (JP 特開平 11-249867A) (referring to Page 2, Column 2, Line 42 to Page 3, Column 3, Line 37 of the specification of the Reference 5). In particular, the following technical features have been disclosed: “音声要求取得手段はクライアントから音声入力による要求を取得し、要求をインターネットに送信するように送信手段を要求する”. It shows that the function produced by the technical features mentioned above in Reference 5 are the same as the function produced by the present technical features in the present invention, i.e., for reading off internet information as a voice, which inspires that the technical solutions of Claim 5 can be obtained by combining Reference 5 and Reference 1, and such a combination is obvious for those skilled in the art. Therefore, when Claim 1 to which Claim 5 refers does not possess inventiveness in comparison with Reference 1, the technical solutions sought for protection in Claim 5 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China since it does not possess any prominent substantive feature and does not represent a notable progress in comparison with Reference 1 and Reference 5.

6. The technical features of the characterizing portion of Claim 7 which refers to Claim 1 have been disclosed in Reference 6 (JP 特開平 6-225296A) (referring to Page 2, Column 2, Line 27 to 43 of the specification of Reference 6). In particular, the following technical features have been disclosed: “携帯電話は画像データと音声データを入力する装置を備えており、再生装置の要求があるとき、前記データが再生され伝送回路でインターネットに伝送される”. It shows that the function produced by the technical features mentioned above in Reference 6 are the same as the function produced by the present technical features in the present invention, i.e., sending information around the portable telephone set to the internet according to a request from outside, which inspires that the technical solutions of Claim 7 can be obtained by combining Reference 6 and Reference 1, and such a combination is obvious for those skilled in the art. Therefore, when Claim 1 to which Claim 7 refers does not possess inventiveness in comparison with Reference 1, the technical solutions sought for protection in Claim 7 does not possess inventiveness as

prescribed in Article 22, paragraph 3 of the Patent Law of China since it does not possess any prominent substantive feature and does not represent a notable progress in comparison with References 1 and Reference 6.

(II)

According to Rule 18, paragraph 1 of the Implementing Regulations of the Patent Law of China, the specification shall include five parts as follows, technical field, background art, contents of the invention, description of figures, and mode of carrying out the invention. The headings in the specification of the present application do not comply with the above provision.

Due to the above reasons, claims 1 to 5, 7 do not comply with the provision on inventiveness as described in Article 22, paragraph 3 of the Patent Law of China. The present application can not be granted under the current text. The applicant should submit new claims and/or specification according to the above opinions within the designated time limit. The amendments should not go beyond the initial disclosure of the specification and claims so as to comply with the provision of Article 33 of the Patent Law of China. If the applicant makes amendments complying with the provisions of the Patent Law of China and the Implementing Regulations of the Patent Law of China to the independent claims, then corresponding amendments may be made to the contents relating to the technical solution of the present invention in the part of contents of the invention. The present application will be rejected if the applicant can not overcome the above defects or fails to come up with sufficient reasons to prove that the present application does comply with the provisions as mentioned above within the response time limit as designated in the present Office Action.

Examiner: Bi Yanhong